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14 Attorneys for Defendant

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2009 NOV 12 AM 8:06 ✓

JEANNE MONS, CLERK

BY: Shaunna Kelbaugh

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF YAVAPAI

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 STEVEN CARROLL DEMOCKER,

17 Defendant.

) No. P1300CR20081339

) Div. 6

) **MOTION TO COMPEL**  
) **VERIZON TO PROVIDE DATA**

18  
19  
20 **MOTION**

21 On July 27, 2009, the defense forwarded to Verizon Wireless-Cellco Partnership  
22 (Verizon) requests for information pertaining to cell phones belonging to Steven  
23 DeMocker, Carol Kennedy, and others relevant to the defense investigation. To date,  
24 Verizon has refused to provide responses to these requests.

25 This information is necessary to enable counsel for Mr. DeMocker to properly  
26 prepare his defense in this matter. The requested data is related to cell phones identified  
27  
28

1 by the State in its disclosures and for which only partial information has been disclosed  
2 by the State to the defense. The defense has no other way to obtain this information.

3 Defendant Steven DeMocker, by and through counsel, hereby moves this Court  
4 to order Verizon to provide responses to these requests no later than November 17,  
5 2009.

6 **Description of Requested Disclosure**

7 For each of the following cell phone numbers, for the period of time between  
8 January 1, 2008 and December 31, 2008:

9 <u>Phone Number</u>	<u>Belonging To</u>
10 (928) 713-1919	Steven DeMocker
11 (928) 713-8182	Charlotte DeMocker
12 (928) 713-4187	Carol Kennedy
13 (928) 830-4705	Jacob Janusek
14 (928) 925-1309	Barbara O'Non
15 (928) 499-9279	UBS Capital, LLC
16 (928) 308-2970	Wilhelm Promer
17 (602) 625-6518	John Casalena
18 (928) 848-9997	Charlotte DeMocker

- 19
- 20 1. Name, location, contract date and contact information of the cellular retailer for  
21 this subscriber's account.
  - 22 2. All available subscribers' monthly statements, including all other cell number(s)  
23 in this plan with account details.
  - 24 3. All available information in subscribers' Account Notes and all other information  
25 contained in subscriber's records.
  - 26 4. All available data regarding the identity of each person and/or agency that made  
27 inquiry into this subscriber's account.
- 28

- 1 5. All available Call Detail Record (CDR) and a *detailed explanation* including but  
2 not limited to each of the following:
  - 3 a. All available Toll Call Data and local Incoming and Outgoing Call Detail  
4 Record (CDR) data.
  - 5 b. All available data regarding the "*PORTED*" history of this subscriber's  
6 cell number and associated cell numbers.
  - 7 c. All available SMS (text message) content and/or incoming/outgoing SMS  
8 transmission tower (BTS) detail data.
  - 9 d. All available Call Detail Record (CDR) data including which party and/or  
10 how each call was terminated.
  - 11 e. All available voice mail (active on cellular carriers' server) duplicated  
12 onto one or more CD Roms or DVDs
  - 13 f. All available Cellular Carrier Tower data, including but not limited to  
14 each of the following;
    - 15 i. All available Call Detail Record (CDR) data in Lat/Long  
16 coordinates with each physical address location(s).
    - 17 ii. All available CID data including Switch, Repoll, System ID,  
18 frequency, TransmitPn, the Azimuth of each sector, individual  
19 antenna (BTS) altitude (ft), # of carriers on site and carrier's  
20 position(s) on each BTS.
    - 21 iii. All available Round-Trip Delay (RTD) data (such as Per Call  
22 Measurement Data (PCMD at the BTS).
    - 23 iv. Each initiating and terminating CID / Sector with time of each  
24 cellular device connection and/or transmission.
    - 25 v. All available Home Location Registry (HLR) detail in each call  
26 transmission (outgoing and incoming units).
- 27 6. Items 1-5 above, for all other cell numbers associated with these accounts (active  
28 during any time period).
7. Any and all document copies that have been requested by/provided to any other  
agency.

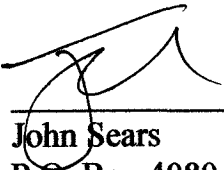
- 1 8. A CD Rom with all current U.S. market cell carrier lower sites in Excel format  
2 with all Lat/Long and physical address, Repoll and/or Switch, System ID,  
3 frequency, TransmitPn, LAC/CID and corresponding Azimuths.
- 4 9. The cellular carriers' tower general physical description and schematic with a  
5 detailed explanation.
- 6 10. The identity and contact information of the third party vendor who collected the  
7 original call data and provided same to Verizon.
- 8 11. Once the above data (entire document request) is received by Defendant Steven  
9 DeMocker's attorneys, Verizon is further ordered to produce any and all requests  
10 for the following:
  - 11 a. RF geographical coverage maps, including any and all "holes" for  
12 specifically identified cell towers;
  - 13 b. Base Transceiver Station Maintenance Logs for specifically identified cell  
14 towers.

### 15 CONCLUSION

16 Defendant Steven DeMocker, by and through counsel, hereby requests that this  
17 Court order Verizon to provide to responses to the above requests no later than  
18 November 30, 2009.

19 DATED this 12<sup>th</sup> day of November, 2009.

20 By:

  
\_\_\_\_\_  
John Sears  
P.O. Box 4080  
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Attorneys for Defendant

26 **ORIGINAL** of the foregoing filed  
27 this 12<sup>th</sup> day of November, 2009, with:

1 Jeanne Hicks  
2 Clerk of the Court  
3 Yavapai County Superior Court  
4 120 S. Cortez  
5 Prescott, AZ 86303

6 **COPIES** of the foregoing hand delivered  
7 this 12<sup>th</sup> day of November, 2009, to:

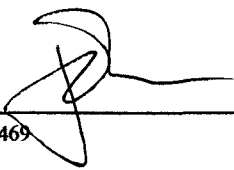
8 The Hon. Thomas B. Lindberg  
9 Judge of the Superior Court  
10 Division Six  
11 120 S. Cortez  
12 Prescott, AZ 86303

13 Joseph C. Butner, Esq.  
14 Yavapai County Attorney  
15 2830 North Commonwealth Drive, #106  
16 Camp Verde, AZ 86322

17 and mailed to:

18 Verizon Wireless-Cellco Partnership  
19 180 Washington Valley Road  
20 Bedminster, NJ 07921

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